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ABSTRACT

It is the policy of the Washington State Board for Community College Education that the responsibility for resolving local disputes should rest with the college board of trustees and that the State Board should monitor, but not directly participate in the process of dispute resolution. However, state legislation has empowered the State Board with the general supervision and control of the community college system and authorized the Board to intervene in disputes before they reach the stage of affecting the entire community college system. The types of situations where the Board is prepared to intervene are those in which: (1) major media outside of the community in question regularly report the dispute; (2) the dispute reflects badly on the other districts and the Board is required to intervene; or (3) state legislators or the governor ask the Board for a response or request that it take action. Differences as to the degree of local and state control over local disputes can be resolved through recognition that ultimate power over local disputes lies with the State Board, but that the Board has no wish to intervene in cases where problems can be solved locally and will only become involved when the dispute has ramifications for the community college system as a whole. (HB)

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WHOSE DISPUTE?

By Helen Radke
Member of the State Board for Community College Education

Issues Forum I of the Annual Meeting of the Trustees Association of Community Colleges, Pasco, Washington, May 7, 1982.

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JC 820 274

REMARKS OF HELEN RADKE, MEMBER, STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

ISSUES FORUM I WHOSE DISPUTE?

ANNUAL MEETING - TRUSTEES ASSOCIATION OF COMMUNITY COLLEGES
PASCO, WASHINGTON - MAY 7, 1982

I AM ALWAYS PLEASED TO BE A GUEST AT THE TACC CONVENTION.

I ATTENDED MY FIRST CONVENTION IN 1974, SHORTLY AFTER MY APPOINTMENT TO THE STATE BOARD, AND I'VE ATTENDED EACH SESSION SINCE THEN. YOU HAVE ASKED ME TO PARTICIPATE IN YOUR PROGRAMS ON A NUMBER OF OCCASIONS AND I'VE ALWAYS ACCEPTED WITH ALACRITY AND PLEASURE. OVER THIS PERIOD I HAVE WORKED WITH YOUR OFFICERS AND MEMBERS IN A NUMBER OF PROJECTS OF MUTUAL INTEREST TO TACC AND THE STATE BOARD -- VENTURES WHICH HAVE USUALLY INCLUDED THE WASHINGTON ASSOCIATION OF COMMUNITY COLLEGE PRESIDENTS (WACCP) AS WELL.

BOTH MY ATTENDANCE AND WILLINGNESS TO PARTICIPATE IN YOUR MEETINGS STEMS FROM THE STRONGLY HELD BELIEF THAT ALL BOARD MEMBERS IN THE FIELD OF EDUCATION (AND BY "ALL" I MEAN BOTH STATE AND LOCAL) NEED TO ASSOCIATE THEMSELVES IN ORDER TO EFFECTIVELY MEET THE VERY IMPORTANT AND VERY COMPLEX RESPONSIBILITIES THEY ASSUME AS BOARD MEMBERS.

GOOD BOARDSMANSHIP IS AN ACQUIRED ART. EXPERIENCE AND EXPERTISE IN OTHER FIELDS ARE HELPFUL, BUT BY THEMSELVES ARE USUALLY NOT A SUBSTITUTE FOR TAKING ADVANTAGE OF THE STORE OF KNOWLEDGE AND EXPERIENCE WHICH HAS BUILT UP OVER THE YEARS AS TO HOW BOARD MEMBERS CAN WORK TOGETHER MOST EFFECTIVELY, AND HOW THEY CAN AVOID SOME OF THE COMMON STUMBLING BLOCKS TO GOOD BOARD OPERATION.

BOARD MEMBERS HAVE A LEGITIMATE NEED FOR ALL OF THE INFORMATION ABOUT BOARDSMANSHIP THEY CAN ACQUIRE. TO THIS END THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION (SBCCE) ENCOURAGES THE ATTENDANCE OF ALL MEMBERS OF THE STATE BOARD AT YOUR CONVENTIONS, AND MOST MEMBERS OF OUR BOARD ARE HERE TODAY.

WE ENCOURAGE TOO OUR NEW MEMBERS TO ATTEND THE ORIENTATION SESSION HELD IN CONJUNCTION WITH YOUR CONVENTION. OUR NEWEST MEMBER, PHILIP HAYES, ATTENDED YESTERDAY.

I MENTION THESE FACTS BECAUSE I WANT YOU TO KNOW THAT NO ONE APPLAUDS MORE STRONGLY THAN THE STATE BOARD THE STEADILY GROWING EFFECTIVENESS OF YOUR ORGANIZATION, AND ITS CONTRIBUTION IN MAKING OUR STATE SYSTEM ONE OF THE BEST.

TWO QUESTIONS HAVE BEEN POSED TO THIS PANEL, AND BY INFERENCE, A THIRD:

1. DO LOCAL DISPUTES ALWAYS REMAIN LOCAL?
2. IS THERE A POINT AT WHICH THE STATE BOARD MUST PLAY A ROLE?
3. WHAT IS THE STATE BOARD'S POSITION ON TACC RESOLUTION 1-82?

FIRST, I WANT TO SAY THAT THE STATE BOARD APPRECIATES THE TRUSTEE CONCERN EVIDENCED BY RESOLUTION 1-82.

I CAN ASSURE YOU THAT STATE BOARD ACTIONS IN THE RECENT LOCAL DISPUTE WERE NOT TAKEN LIGHTLY, NOR HAVE WE BEEN UNWILLING TO SEEK THE COUNSEL OF TRUSTEES IN REGARD TO SUCH MATTERS. IN 1980 AND AGAIN IN 1981 THE STATE BOARD AND THE EXECUTIVE COMMITTEE OF TACC HELD LENGTHY DISCUSSIONS ABOUT WHAT MIGHT BE DONE TO RESOLVE SERIOUS LOCAL DISPUTES OR PROBLEMS BEFORE THEY REACH THE STAGE AT WHICH THEY BEGIN TO REFLECT ON THE ENTIRE COMMUNITY COLLEGE SYSTEM.

SUCH DISCUSSIONS WERE JOINTLY INITIATED, AND FOCUSED IN LARGE PART ON HOW AN "EARLY WARNING SYSTEM" MIGHT BE USED TO KEEP LOCAL PROBLEMS FROM ESCALATING. THESE DISCUSSIONS REPRESENT, I BELIEVE, THE MOUNTING CONCERN OF TRUSTEES AS WELL AS THE STATE BOARD OVER WHAT SEEMS TO BE AN INCREASING NUMBER OF SERIOUS LOCAL PROBLEMS — PROBLEMS WHICH AS ONE TRUSTEE PUT IT, "TAR US ALL WITH THE SAME BRUSH."

NOT ALL OF THESE PROBLEMS INVOLVE RELATIONSHIPS BETWEEN OR AMONG THE COLLEGE CONSTITUENCIES. ALL, WHATEVER THEIR SOURCE, BECOME OF CONCERN WHEN THEY DRAG ON FOR MONTHS WITH MUCH PUBLICITY, AND NO RESOLUTION IN SIGHT.

NOW, THE FIRST QUESTION: "DO LOCAL DISPUTES REMAIN LOCAL?" MY ANSWER IS, NOT ALWAYS, ALTHOUGH THIS IS WHERE THEY SHOULD BE SOLVED, AND IT'S WHERE THE STATE BOARD WOULD LIKE THEM TO BE SOLVED.

IN THE STATEMENT APPROVED BY THE STATE BOARD IN ITS MEETING ON 12-16-81 IN REGARD TO THE MOST RECENT LOCAL COMMUNITY COLLEGE DISPUTE, WERE THESE WORDS: "THE RESPONSIBILITY FOR RESOLVING (LOCAL) DISPUTES RESTS WITH THE GOVERNING BODY -- THE BOARD OF TRUSTEES." IN THE SAME STATEMENT OUR EXECUTIVE DIRECTOR WAS DIRECTED "TO MONITOR PROGRESS BUT NOT TO PARTICIPATE DIRECTLY IN THE PROCESS OF DISPUTE RESOLUTION."

THE COMMENT WAS MADE ALSO AT THIS MEETING THAT IF SATISFACTORY ACTION IS NOT TAKEN TO RESOLVE THE DISPUTE, THE STATE BOARD MAY FIND IT NECESSARY TO CONSIDER FURTHER ACTION TO BRING ABOUT A SOLUTION TO THE PROBLEM.

THE POINT OF REFERENCE HERE IS, OF COURSE, RCW 28 B 50.090, WHICH STATUTE BEGINS WITH THE GENERAL PRESCRIPTION THAT: "THE COLLEGE BOARD SHALL HAVE GENERAL SUPERVISION AND CONTROL OVER THE STATE SYSTEM OF COMMUNITY COLLEGES" AND ALSO ON SUBSECTION (10) WHICH EMPOWERS THE COLLEGE BOARD TO "EXERCISE ANY OTHER POWERS, DUTIES, AND RESPONSIBILITIES NECESSARY TO CARRY OUT THE PURPOSES OF THIS CHAPTER."

THE STATE ATTORNEY GENERAL, KENNETH O. EIKENBERRY, IN HIS LETTER OF NOVEMBER 18, 1981, TO DR. JOHN TERREY, EXECUTIVE DIRECTOR, SBCCE, COMMENTING ON THE ABOVE TWO QUOTATIONS FROM THE ACT, ADDED THESE WORDS: "IT IS THUS EVIDENT THAT THE LEGISLATURE INTENDED THE COLLEGE BOARD TO HAVE VERY STRONG

POWERS WITH REGARD TO THE MATTERS ENUMERATED IN THE STATUTE, TOGETHER WITH REGULATORY AUTHORITY TO IMPLEMENT AND ENFORCE ITS STANDARDS."

BEFORE MOVING ON TO QUESTION TWO, I'D LIKE TO OBSERVE THAT THE STATE BOARD HAS ALWAYS EXERCISED ITS POWER WITH PRUDENCE. WE UNDERSTAND FULL WELL THE IMPORTANCE OF LOCAL CONTROL, AND WE BELIEVE IN MAXIMIZING IT. I THINK OUR RECORD IN THIS RESPECT IS GOOD.

MY ANSWER TO QUESTION TWO IS YES, THERE IS A POINT AT WHICH THE STATE BOARD MUST PLAY A ROLE WHEN THERE ARE DISPUTES AMONG VARIOUS SEGMENTS OF A CAMPUS COMMUNITY, OR WHEN THERE ARE OTHER SERIOUS PROBLEMS WHICH REMAIN UNRESOLVED. WHILE WE BELIEVE SUCH MATTERS ARE BEST RESOLVED LOCALLY, IF THE DISPUTE REACHES THE STAGE WHERE IT DAMAGES THE REPUTATION OF ALL COMMUNITY COLLEGES AND ENDANGERS THE STANDING OF THE COMMUNITY COLLEGE SYSTEM WITH THE GOVERNOR AND LEGISLATURE, THE STATE BOARD HAS NO CHOICE BUT TO TAKE STEPS TO HELP BRING ABOUT A RESOLUTION OF THE DISPUTE. OUR SYSTEM IS STATE FUNDED. OUR REPUTATION AS A SYSTEM — OUR IMAGE AS A SYSTEM, ARE VERY IMPORTANT.

TO THIS POSITION THE STATE BOARD IS COMMITTED. OUR COMMITMENT IS FIRM. THERE IS NO DISAGREEMENT AMONG OUR MEMBERS ABOUT IT. BUT EVEN AS I SAY THIS I HASTEN TO ADD THAT NO DOORS HAVE BEEN CLOSED TO ADVICE ON ANY PROBLEM OR ANY PROCEDURES. SUCH SUGGESTIONS HAVE BEEN, AND ARE, WELCOME.

LET ME ADD THAT IN OUR BOARD DISCUSSIONS TO DATE — AND IN THOSE WITH TACC — WE HAVE NOT FOUND IT EASY TO DEFINE THE POINT AT WHICH LOCAL DISPUTES OR PROBLEMS, TAKE ON STATE-WIDE SIGNIFICANCE. I THINK THERE ARE VARIOUS CHECK POINTS WHICH MIGHT BE USED, AND SUGGEST THE FOLLOWING ONES FOR YOUR CONSIDERATION:

1. WHEN MAJOR NEWS MEDIA OUTSIDE THE COMMUNITY IN WHICH THE COLLEGE IS LOCATED BEGIN TO REPORT ON THE DISPUTE ON A REGULAR BASIS,
2. WHEN COMMUNITY COLLEGE PEOPLE FROM OTHER DISTRICTS ASK THE STATE BOARD

TO DO SOMETHING BECAUSE THE DISPUTE IS REFLECTING BADLY ON THE REST OF THE SYSTEM,

3. WHEN LEGISLATORS ASK FOR A STATE BOARD RESPONSE BECAUSE OF THE LETTERS AND PHONE CALLS THEY RECEIVE FROM PARTIES TO THE DISPUTE, AND FROM OTHERS,

4. WHEN THE GOVERNOR'S OFFICE ASKS THE STATE BOARD ABOUT THE PROBLEM, AND/OR, ASKS THE STATE BOARD TO TAKE ACTION.

IT IS WORTH NOTING THAT EACH OF THESE FOUR CONDITIONS HAS BEEN PRESENT IN ANY PREVIOUS DISPUTE IN WHICH THE STATE BOARD HAS BEEN PUBLICLY INVOLVED.

MY CONCLUDING COMMENTS WILL RELATE TO RESOLUTION 1-82.

THE OPENING PARAGRAPH STATES: "WHEREAS, THE TRUSTEES ASSOCIATION OF COMMUNITY COLLEGES BELIEVES THAT THE WASHINGTON COMMUNITY COLLEGE SYSTEM SHOULD BE COMPOSED OF THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION AND STRONG LOCAL COMMUNITY COLLEGE DISTRICTS WITH MUTUAL RESPECT AND COURTESY BEING KEY INGREDIENTS, SINCE BOTH FUNCTION TO SERVE THE CITIZENS OF THE STATE OF WASHINGTON;"

WITH THIS STATEMENT I CONCUR, BUT I DISAGREE WITH THE BALANCE OF THE RESOLUTION.

PARAGRAPH THREE SAYS: "WHEREAS THE WASHINGTON STATE COMMUNITY COLLEGE SYSTEM WAS ESTABLISHED ON THE PREMISE OF LOCAL CONTROL WITH THE APPOINTMENT OF A FIVE MEMBER BOARD OF TRUSTEES RESIDING WITHIN THE COMMUNITY COLLEGE DISTRICT, AND ..."

WITH THIS STATEMENT I DISAGREE. I SUGGEST THE STATEMENT IS HISTORICALLY IN ERROR.

THE COMMUNITY COLLEGE ACT ITSELF, AND THE DEBATE WHICH PRECEDED ITS PASSAGE, MADE IT ABUNDANTLY CLEAR THAT A STATE SYSTEM WAS BEING ESTABLISHED, WITH STRONG SUPERVISORY CONTROL BY A STATE BOARD WITH, AS THE RECENT LETTER FROM KENNETH EIKENBERRY SAID, "A CERTAIN MEASURE OF LOCAL AUTONOMY."

THIS WAS THE GENERAL TENOR OF THE ARTHUR D. LITTLE REPORT, WHICH WAS USED AS THE BASIS FOR MUCH OF THE 1967 COMMUNITY COLLEGE ACT.

IT WAS THE GENERAL TENOR OF MOST OF THE LEGISLATIVE DEBATE. IN LOOKING THROUGH MY FILES LAST WEEK I WAS INTERESTED TO FIND A LETTER DATED FEBRUARY 9, 1967, WRITTEN BY FRANK BROUILLET, CHAIRMAN AT THAT TIME OF THE INTERIM COMMITTEE ON EDUCATION OF THE HOUSE OF REPRESENTATIVES.

IT BEGINS: "ENCLOSED IS A SUMMARY OF THE THREE MAJOR PROPOSALS FOR CREATION OF A SEPARATE COMMUNITY COLLEGE SYSTEM."

ONE PROPOSAL WAS SPONSORED BY LOUIS BRUNO, AT THAT TIME SUPERINTENDENT OF PUBLIC INSTRUCTION; A SECOND WAS SPONSORED BY MARJORIE LYNCH AND MIKE MC CORMACK, STATE LEGISLATORS AT THAT TIME; A THIRD WAS SPONSORED BY THE INTERIM COMMITTEE AND BROUILLET.

IN THE FIRST SECTION OF EACH OF THESE THREE PROPOSALS GENERAL SUPERVISION AND CONTROL WAS GIVEN TO A STATE BOARD. THE WORDING WAS EXACTLY THE SAME IN EACH PROPOSAL.

FROM THAT DATE TO THIS THERE HAVE BEEN A NUMBER OF LEGISLATIVE INQUIRIES INTO THE ADEQUACY OF THE 1967 ACT WITH ANOTHER SCHEDULED FOR 1982-83. SO FAR THE CONCLUSION IN EACH HAS BEEN THAT NO SIGNIFICANT CHANGES IN THE COMMUNITY COLLEGE ACT ARE NECESSARY.

THE LAST PARAGRAPH OF RESOLUTION 1-82 STATES THAT LOCAL DISPUTES SHOULD BE DEALT WITH AT THE LOCAL LEVEL UNLESS ASSISTANCE IS REQUESTED FROM THE STATE BOARD BY THE LOCAL DISTRICT.

THIS IS THE PROCEDURE WE FOLLOW GENERALLY. MOST REQUESTS FROM LOCAL DISTRICTS ARE MADE QUIETLY, WITH QUIET ASSISTANCE GIVEN. FEW PEOPLE IN THIS ROOM COULD MAKE AN EDUCATED GUESS AS TO THE NUMBER OF SUCH REQUESTS IN ANY GIVEN YEAR.

SUCH REQUESTS HAVE COME FROM ALL OF OUR CONSTITUENCIES -- FROM TRUSTEES, PRESIDENTS, STUDENTS, AND FACULTY -- AND IN A VARIETY OF COMBINATIONS OF THESE CONSTITUENCIES.

MY MAJOR CONCERN ABOUT REQUIRING A REQUEST FROM THE LOCAL DISTRICT BEFORE STATE ASSISTANCE IS OFFERED IS BASED ON THE FACT THERE HAVE BEEN TIMES WHEN LOCAL DISTRICTS HAVE NOT REQUESTED HELP, WITH RESULTANT WIDESPREAD DAMAGE TO THE CREDIBILITY OF THE ENTIRE COMMUNITY COLLEGE SYSTEM. MEMORIES ARE SHORT IF THIS FACT OF LIFE IS NOT RECOGNIZED BY ALL OF US HERE TODAY.

TO THIS I WOULD ADD THAT IT WAS VERY PLAIN IN 1967, AND IT IS VERY PLAIN IN 1982 THAT NEITHER THE GOVERNOR NOR THE LEGISLATURE WISH TO BE AN APPEAL BOARD FOR ANY OF THE VARIOUS CONSTITUENCIES OF OUR 23 COMMUNITY COLLEGE DISTRICTS. IF YOU DOUBT THIS, TAKE A MINUTE AND MULTIPLY THE NUMBER OF OUR COLLEGES BY THE NUMBER OF OUR CONSTITUENCIES!

WELL -- HOW DO WE WALK ALONE TOGETHER ON THIS?

I DOUBT VERY MUCH IF SUCH DISPUTES OR PROBLEMS WILL BE SOLVED BY THE PASSAGE OF RESOLUTIONS BY TACC, OR BY THE PRESIDENTS, OR FOR THAT MATTER BY THE ADOPTION OF RULES AND REGULATIONS BY THE STATE BOARD.

MUCH MORE TO THE POINT IS A SEARCH FOR ANSWERS TO A VERY REAL PROBLEM.

FOR EXAMPLE, YOUR ASSOCIATION COULD ASK, IS THERE A WAY OR WAYS, TACC COULD PLAY A ROLE IN DEVISING AN EARLY WARNING SYSTEM TO IDENTIFY LOCAL PROBLEMS OR DISPUTES WHICH THREATEN TO DAMAGE THE ENTIRE SYSTEM?

WHAT KIND OF A SUPPORT SYSTEM COULD YOU OFFER FOR BOARDS IN TROUBLE?

HOW COULD THIS MESH WITH WHAT THE STATE BOARD AND ITS STAFF CAN DO TO HELP?

BUT IF YOU ARE INTERESTED IN THIS APPROACH, ONE WORD OF CAUTION.

EACH LOCAL CASE IS DIFFERENT, VERY, VERY DIFFERENT. EACH IN A VERY REAL SENSE HAS A LIFE OF ITS OWN, AND MUST BE VIEWED SEPARATELY. WHAT IS NEEDED IS THE WISE EXERCISE OF HUMAN JUDGMENT -- WISE JUDGMENT BY EACH OF US INVOLVED.

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